

Case: FR-7291
Application No.: 10/719,948

REMARKS

Claims 1-40 remain in the case. The allowance of claims 28-38 is noted with appreciation. Applicants also appreciate the indicated allowability of claims 3-10 and 13-27 if amended as indicated in the Action.

The above amendments are believed to place the case in condition for allowance and accordingly reconsideration of the rejections is requested in light of the following comments. Support for the amendments made in claim 11 appears, for example, in paragraphs 0007 and 0012.

The rejection of claim 1 under 35 U.S.C. 102(b) on Nippon Shokubai Kagaku Kogyu Co., Ltd. JP 62-298560 has been rendered inapplicable by the above amendment of claim 1. Claim 1 no longer reads on use of methacrylic acid chloride which would form a product of relatively low stability due to the presence of a polymerizable double bond. Indeed, the purpose of the reference appears to be the formation of a substituted polymerizable monomer of the vinyl olefin type.

The rejection of claims 1, 2, 11, and 12 under 35 U.S.C. 102(e) on Sjerps 2003/0153656 ("Sjerps") is inapplicable under 35 U.S.C. 103(c). The subject matter of Sjerps and the subject matter of the claimed invention were, at the time the invention was made, owned by the same party and subject to obligations of assignment to the same party, namely Albemarle Corporation.

The rejection of claims 1, 2, 11, 12, 39, and 40 under 35 U.S.C. 103(a) on Albemarle WO 03/060000 ("WO/000") in view of Yamamoto et al. 4,289,856 or Calabrese et al. 6,348,514 is also deemed inapplicable. Claims 1, 2, 11, 12, 39, and 40 relate to reaction products, the preparation of such reaction products, the use of such reaction products in forming a flexible polyurethane foam, or a flexible polyurethane foam formed by use of such reaction products. In sharp contrast, WO/000 discloses additive compositions which are blends of the components specified therein. Please note in this connection that the organophosphorus compounds of WO/000 are phosphates $(RO)_3P=O$, or phosphonates $(RO)_2RP=O$, i.e., compounds which do not have a chlorine atom or hydroxyl group directly attached to the phosphorus atom. See for example WO/000, Page 7, lines 14-18 and lines 22-32. The organophosphorus compounds of the present claims do have a chlorine atom or hydroxyl group directly attached to the phosphorus atom rendering them capable of undergoing reaction with component (A) to form reaction products. Applicant Dr. Saadat

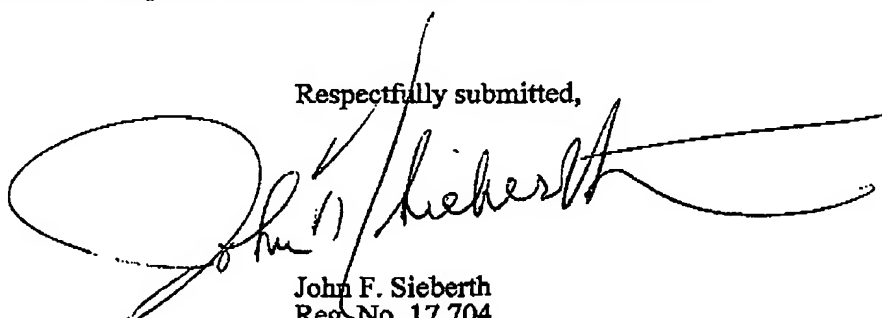
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Hussain advises that nowhere in WO/000 is there any teaching or disclosure which either expressly or impliedly would, under the conditions described, yield a reaction product comparable to those of claims 1, 2, 11, 12, 39, and 40. Also, neither Yamamoto et al. nor Calabrese et al. cures the inadequacy of WO/000. Accordingly, claims 1, 2, 11, 12, 39, and 40 are believed to be allowable over these cited references.

In view of the foregoing comments, it is believed that the case is in condition for allowance. Such is earnestly requested. However, if any matters remain requiring further consideration, the Examiner is requested to telephone the undersigned so that such matters may be discussed and if possible promptly remedied.

Please continue to correspond with Mr. Spielman at the address of record.

Respectfully submitted,



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